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09/773,194	01/31/2001	Anand Naga Babu	AUS9-2000-0610-US1	4486

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46033	7590	06/07/2005	MOORE, IAN N

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ART UNIT	PAPER NUMBER
2661	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/773,194 .	BABU ET AL.
	Examiner	Art Unit	
	Ian N. Moore	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 April 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10 and 12-34_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10,12-34_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   Claims 1, 6, 12, 17, 22, 24 and 29 are amended, claim 11 is canceled, and claim

34 is added.

2.   Claims 1-10 and 12-34 are rejected by the new ground of rejections.

Information Disclosure Statement

3.   The information disclosure statement filed 2/3/2005 fails to comply with 37 CFR

1.98(a)(2), which requires **a legible copy of each cited foreign patent document**;

each non-patent literature publication or that portion which caused it to be listed; and all

other information or that portion which caused it to be listed. It has been placed in the

application file, but the information referred to therein has not been considered.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

5.   Claims 1,12,24 and 34 are provisionally rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over claim 1,13

and 25 of copending Application No. 09/733,193. Although the conflicting claims are

not identical, they are not patentably distinct from each other because claims 1,12,24

and 34 of the instant application merely broadens the scope of the claims 1,13, and 25

of the Patent by eliminating the elements and their functions of the claims (i.e. updating

said location data continuously), replacing with same limitation (i.e. raking items in said

collection according to expected utility with calculating a location of said user from the

collection of said location data), and adding the inherent limitation (i.e. each location

sources of location sources is associated with a particular user device of a plurality of

user devices). It has been held that the omission an element and its function is an

obvious expedient if the remaining elements perform the same function as before. *In re

Karlson*, 136 USPQ 184 (CCPA). Also note *Ex parte Rainu*, 168 USPQ 375

(Bd.App.1969); omission of a reference element whose function is not needed would be

obvious to one skilled in the art.

        This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

                        Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

        A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

7.   Claims 1, 2,5,12,13,16,24, 25, 28 and 34 are rejected under 35 U.S.C. 102(e) as

being anticipated by Fitch (U.S. 6,321,092).

Regarding Claim 1, Fitch'092 discloses a method for aggregating location

information, said method comprising:

acquiring location data regarding a user (see FIG. 1, a location of a user of

the Wireless Station 102; see FIG. 7; see col. 7, lines 52-55; see col. 11, lines 56 to

col. 12, lines 20) from a plurality of location sources (see FIG. 1, Location Fining

Equipment Systems, LFE, 104,106,108 and 110; of see FIG. 2, $LFE_{1\ to\ n}$; see col. 5,

lines 1-30, 56-61; see col. 6, lines 19-21; note that Location Finding Systems

find/acquire and receive regarding a particular wireless station user location);

wherein each location sources of the plurality of location sources (see FIG. 1,

Location Fining Equipment Systems, LFE, 104,106,108 and 110; of see FIG. 2, LFE_{1}

$_{to\ n}$) is associated with a particular user device (see FIG. 1, wireless station 102) of a

plurality of user device (see col. 5, lines 1-3; see col. 6, lines 6-10; abstract; wireless

stations; each $LFE_{1\ to\ n}$ is associated/related with a particular wireless station of

wireless stations);

and creating a collection of said location data regarding said user (see col. 3,

lines 25-47; see col. 7, lines 30-57; note that the combined system of LFCs and LFS

collects the raw wireless station user location data received from LFEs); and

calculation a location of said user from the collection of said location data

(see FIG. 3a-e; see col. 6, lines 35 to col. 7, lines 29; determining/calculation the

location of wireless station/user from the collected data).

Regarding Claim 2, Fitch'092 discloses converting said location data from

said location sources to a single format (see FIG. 5, collection data from regions 502

and 503 are combined/aggregated; see col. 9, lines 55 to col. 10, lines 5; see col. 7,

lines 41-44, 55-67 and col. 8, lines 7; note that aggregated/combined location data

from LFEs are converted into a standard/signal format).

Regarding Claim 5, Fitch'092 discloses wherein said location data are

updated continuously (see col. 11, lines 9-30; note that location data from a wireless

station is continuously/on-going monitored and updated in order to obtain the most

accurate location (i.e. tacking 911 call location)).

Regarding Claim 12, a system claim which that substantially discloses all the

limitations of the respective method claim 1. Therefore, it is subjected to the same

rejection.

Regarding Claim 13, a system claim which that substantially discloses all the

limitations of the respective method claim 2. Therefore, it is subjected to the same

rejection.

Regarding Claim 16, a system claim which that substantially discloses all the

limitations of the respective method claim 1. Therefore, it is subjected to the same

rejection.

Regarding Claim 24, a computer-usable medium claim which that

substantially discloses all the limitations of the respective method claim 1. Therefore,

it is subjected to the same rejection.

Regarding Claim 25, a computer-usable medium claim which that

substantially discloses all the limitations of the respective method claim 2. Therefore,

it is subjected to the same rejection.

Regarding Claim 28, a computer-usable medium claim which that

substantially discloses all the limitations of the respective method claim 5. Therefore,

it is subjected to the same rejection.

Regarding Claim 34, Fitch discloses a method for aggregating information to

determine a user's location, the method comprising:

retrieving location data (see FIG. 1, a location of a user of the Wireless

Station 102; see FIG. 7; see col. 7, lines 52-55; see col. 11, lines 56 to col. 12, lines

20) from a plurality of location sources (see FIG. 1, Location Fining Equipment

Systems, LFE, 104,106,108 and 110; of see FIG. 2, $LFE_{1\,to\,n}$; see col. 5, lines 1-30,

56-61; see col. 6, lines 19-21; note that Location Finding Systems poll/query/find and

receive regarding a particular wireless station user location), wherein each location

source of the plurality of location sources (see FIG. 1, Location Fining Equipment

Systems, LFE, 104,106,108 and 110; of see FIG. 2, $LFE_{1\,to\,n}$) is associated with a

particular user device (see FIG. 1, wireless station 102) of a plurality of user devices

(see col. 5, lines 1-3; see col. 6, lines 6-10; abstract; wireless stations; each $LFE_{1\,to\,n}$

is associated/related with a particular wireless station of wireless station**s**);

evaluating the location data base upon user data corresponding to a user

associated with the plurality of user devices (see col. 3, lines 25-47; see col. 7, lines

30-57; note that the combined system of LFCs and LFS collects/evaluates the raw

wireless station user location data received from LFEs);.and

calculation a location of said user from the collection of said location data

(see FIG. 3a-e; see col. 6, lines 35 to col. 7, lines 29; determining/calculating the

location of wireless station/user from the collected data).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 3, 14, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fitch'092 in view of Wang (U.S. US 2002/0160745A1).

Regarding claim 3, Fitch'092 discloses said location sources, and said single

format as described above in claim 1, 12, 24 and 25.

Fitch'092 does not explicitly disclose wherein a two-way pager (see Wang'745

FIG. 2, Pager 32; see page 4, paragraph 58), and said single format is one

implemented in XML (see Wang'745 FIG. 14, HTTP (XML) 198 and 188 formats; see

page 10, paragraph 127-131; note that WML 194 is converted into a single XML

format 198).

However, the above-mentioned claimed limitations are taught by Wang'745. In view of this, having the system of Fitch'092 and then given the teaching of Wang'745, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Fitch'092, for the purpose of providing a two-way pager and a converting into a XML format, as taught by Wang'745, since Wang'745 states the advantages/benefits at page 1, paragrap11-15 that it would provide network-independent location aware protocol which is useable over a large variety of location-aware networks and on a large variety of location-aware wireless mobile devices. The motivation being that by utilizing XML, it will increase the usability of location aware mobile since XML is widely used.

Regarding Claim 14, a system claim which that substantially discloses all the limitations of the respective method claim 3. Therefore, it is subjected to the same rejection.

Regarding Claim 26, a computer-usable medium claim which that substantially discloses all the limitations of the respective method claim 3. Therefore, it is subjected to the same rejection.

10.   Claims 4, 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch'092 in view of Wang (U.S. US 2002/0160745A1).

Regarding claim 4, Fitch'092 discloses said location sources is a wireless hub/router, and said single format as described above in claim 1.

Fitch'092 does not explicitly disclose wherein a wireless LAN hub (see

Wang'745 FIG. 16, access point devices/hub 222 in Wireless LAN 220; see page 12,

paragraph 145), and said single format is one implemented in XML (see Wang'745

FIG. 14, HTTP (XML) 198 and 188 formats; see page 10, paragraph 127-131; note

that WML 194 is converted into a single XML format 198).

However, the above-mentioned claimed limitations are taught by Wang'745.

In view of this, having the system of Fitch'092 and then given the teaching of

Wang'745, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the system of Fitch'092, for the purpose of

providing wireless LAN access point/hub and a converting into a XML format, as

taught by Wang'745, since Wang'745 states the advantages/benefits at page 1,

paragrap11-15 that it would provide network-independent location aware protocol

which is useable over a large variety of location-aware networks and on a large

variety of location-aware wireless mobile devices. The motivation being that by

utilizing XML, it will increase the usability of location aware mobile since XML is

widely used.

Regarding Claim 15, a system claim which that substantially discloses all the

limitations of the respective method claim 4. Therefore, it is subjected to the same

rejection.

Regarding Claim 27, a computer-usable medium claim which that

substantially discloses all the limitations of the respective method claim 4. Therefore,

it is subjected to the same rejection.

11.   Claim 6,7,10, 17, 18, 21,29,30 and 33 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Fitch'092 in view of Morse (U.S. 6,609,004).

Regarding claim 6, Fitch'092 discloses acquiring location data regarding the

user and; creating collections of said location data regarding a user as described

above in claims 1, 12 and 24. Fitch'092 further discloses acquiring location data

regarding more than one user (see col. 11, lines 60 to col. 12, lines 12; note that

during the pulling process, the LFS/LM query the location data regarding all wireless

stations user); and

said calculating a location further comprises calculating a location of each

user of the more than one users (see col. 5, lines 1-3; see col. 6, lines 6-10;

abstract; wireless stations with plurality   wireless users; determining/calculating the

location of wireless stations/users from the collected data).

Fitch'092 does not explicitly disclose collections of said location data

regarding more than one user, organized by user (see Morse'004 FIG. 4, Server

User Memory 116 is created by the collection of the location data regarding more

than one user, and the memory/collection is organized by user (i.e. organized as

user 1 to user N corresponding to their respective locations); see col. 7, lines 55 to

col. 8, lines 5).

However, the above-mentioned claimed limitations are taught by Morse'004.

In view of this, having the system of Fitch'092 and then given the teaching of

Morse'004, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the system of Fitch'092, for the purpose of

providing a memory that collected and stored the location data regarding more than

one user, and the memory is organized by user, as taught by Morse'004, since

Morse'004 states the advantages/benefits at col. 1, lines 25-30, col. 2, lines 15-20

that it would provide to easily locate a device user in case of an emergency situation,

and easily select relevant content information from the large amount of data. The

motivation being that by collecting/storing the location data regarding more than one

user and organized by user, it will increase the possibility of easily retrieving and

identifying the user from large amount of stored data, and locating the user in case

of an emergency.

Regarding Claim 7, Fitch'092 discloses converting said location data from

said location sources to a single format (see FIG. 5, collection data from regions 502

and 503 are combined/aggregated; see col. 9, lines 55 to col. 10, lines 5; see col. 7,

lines 41-44, 55-67 and col. 8, lines 7; note that aggregated/combined location data

from LFEs are converted into a standard/signal format).

Regarding Claim 10, Fitch'092 discloses wherein said location data are

updated continuously (see col. 11, lines 9-30; note that location data from a wireless

station is continuously/on-going monitored and updated in order to obtain the most

accurate location (i.e. tacking 911 call location)).

Regarding Claim 17, a system claim which that substantially discloses all the

limitations of the respective method claim 6. Therefore, it is subjected to the same

rejection.

Regarding Claim 18, a system claim which that substantially discloses all the limitations of the respective method claim 7. Therefore, it is subjected to the same rejection.

Regarding Claim 21, a system claim which that substantially discloses all the limitations of the respective method claim 10. Therefore, it is subjected to the same rejection.

Regarding Claim 29, a computer-usable medium claim which that substantially discloses all the limitations of the respective method claim 6. Therefore, it is subjected to the same rejection.

Regarding Claim 30, a computer-usable medium claim which that substantially discloses all the limitations of the respective method claim 7. Therefore, it is subjected to the same rejection.

Regarding Claim 33, a computer-usable medium claim which that substantially discloses all the limitations of the respective method claim 10. Therefore, it is subjected to the same rejection.

12.   Claims 8, 19, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch'092 and Morse'004, and further in view of Wang (U.S. US 2002/0160745A1).

Regarding claim 8, the combined system of Fitch'092 and Morse'004 discloses said location sources, and said single format as described above in claim 1.

Neither Fitch'092 nor Morse'004 explicitly discloses wherein a two-way pager

(**see** Wang'745 FIG. 2, Pager 32; see page 4, paragraph 58), and said single format

is one implemented in XML (see Wang'745 FIG. 14, HTTP (XML) 198 and 188

formats; see page 10, paragraph 127-131; note that WML 194 is converted into a

single XML format 198).

However, the above-mentioned claimed limitations are taught by Wang'745.

In view of this, having the combined system of Fitch'092 and Morse'004, and then

given the teaching of Wang'745, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify the combined system of

Fitch'092 and Morse'004, for the purpose of providing a two-way pager and a

converting into a XML format, as taught by Wang'745, since Wang'745 states the

advantages/benefits at page 1, paragrap11-15 that it would provide network-

independent location aware protocol which is useable over a large variety of

location-aware networks and on a large variety of location-aware wireless mobile

devices. The motivation being that by utilizing XML, it will increase the usability of

location aware mobile since XML is widely used.

Regarding Claim 19, a system claim which that substantially discloses all the

limitations of the respective method claim 8. Therefore, it is subjected to the same

rejection.

Regarding Claim 31, a computer-usable medium claim which that

substantially discloses all the limitations of the respective method claim 8. Therefore,

it is subjected to the same rejection.

13.   Claims 9, 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fitch'092 in view of Morse'004, and further in view of Wang (U.S. US

2002/0160745A1).

    Regarding claim 9, the combined system of Fitch'092 and Morse'004

discloses said location source is a wireless hub/router, and said single format as

described above in claim 1.

    Neither Fitch'092 nor Morse'004 explicitly discloses wherein a wireless LAN

hub (see Wang'745 FIG. 16, access point devices/hub 222 in Wireless LAN 220; see

page 12, paragraph 145), and said single format is one implemented in XML (see

Wang'745 FIG. 14, HTTP (XML) 198 and 188 formats; see page 10, paragraph 127-

131; note that WML 194 is converted into a single XML format 198).

    However, the above-mentioned claimed limitations are taught by Wang'745.

In view of this, having the combined system of Fitch'092 and Morse'004, and then

given the teaching of Wang'745, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify the combined system of

Fitch'092, for the purpose of providing wireless LAN access point/hub and a

converting into a XML format, as taught by Wang'745, since Wang'745 states the

advantages/benefits at page 1, paragrap11-15 that it would provide network-

independent location aware protocol which is useable over a large variety of

location-aware networks and on a large variety of location-aware wireless mobile

devices. The motivation being that by utilizing XML, it will increase the usability of

location aware mobile since XML is widely used.

Regarding Claim 20, a system claim which that substantially discloses all the

limitations of the respective method claim 9. Therefore, it is subjected to the same

rejection.

Regarding Claim 32, a computer-usable medium claim which that

substantially discloses all the limitations of the respective method claim 9. Therefore,

it is subjected to the same rejection.

14.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch

(U.S. 6,424,840) in view of Fitch'092.

Regarding claim 22, Fitch'840 discloses an information handling system for

aggregating location information (see FIG. 2, Location Based Zone and the

assignment system 52), said information handling system comprising:

a communication device (see FIG. 3, I/O device 60; Input portion of I/O device

60 towards the a wireless network) communicating with a network (see FIG. 2,

Wireless communication network 51); see col. 6, lines 51-65;

a storage device (see FIG. 3, Memory 102);

an output device (see FIG. 3, I/O device 60; an output portion of the device)

a system bus (see FIG. 3, the connection bus between Processor, I/O device

and memory); and

a processor (see FIG. 3, Processor 100), coupled by said system bus to said

communication device, said storage device, and said output device (see FIG. 3,

processor couples to I/O device 98 and Memory 102 via the buses);

said processor programmed to implement a method (see FIG. 4 and 5, the

processor process the methods in FIG. 4 and 5); see col. 11, lines 30-65.

Fitch'840 does not explicitly disclose acquiring location data regarding a user

(see Fitch'092 FIG. 1, a location of a user of the Wireless Station 102; see FIG. 7;

see col. 7, lines 52-55; see col. 11, lines 56 to col. 12, lines 20) from a plurality of

location sources (see Fitch'092 FIG. 1, Location Fining Equipment Systems, LFE,

104,106,108 and 110; of see FIG. 2, $LFE_{1 \, to \, n}$; see col. 5, lines 1-30, 56-61; see col.

6, lines 19-21; note that Location Finding Systems find/acquire and receive

regarding a particular wireless station user location);

wherein each location sources of the plurality of location sources (see FIG. 1,

Location Fining Equipment Systems, LFE, 104,106,108 and 110; of see FIG. 2, LFE_1

$_{to \, n}$) is associated with a particular user device (see FIG. 1, wireless station 102) of a

plurality of user devices (see col. 5, lines 1-3; see col. 6, lines 6-10; abstract;

wireless stations; each $LFE_{1 \, to \, n}$ is associated/related with a particular wireless

station of wireless stations);

converting said location data from said location sources to a single format

(see Fitch'092 FIG. 5, collection data from regions 502 and 503 are

combined/aggregated; see Fitch'092 col. 9, lines 55 to col. 10, lines 5; see Fitch'092

col. 7, lines 41-44, 55-67 and col. 8, lines 7; note that aggregated/combined location
data from LFEs are converted into a standard/signal format);

and creating a collection of said location data regarding said user (see
Fitch'092 col. 3, lines 25-47; see col. 7, lines 30-57; note that the combined system
of LFCs and LFS collects the raw wireless station user location data received from
LFEs and aggregates/creates a standard format).

and updating said location data continuously (see Fitch'092 col. 11, lines 9-
30; note that location data from a wireless station is continuously/on-going monitored
and updated in order to obtain the most accurate location (i.e. tacking 911 call
location)).

.However, the above-mentioned claimed limitations are taught by Fitch'092. In
view of this, having the system of Fitch'840 and then given the teaching of Fitch'092,
it would have been obvious to one having ordinary skill in the art at the time the
invention was made to modify the system of Fitch'840, for the purpose of providing
mechanism for aggregating multiple location data into a combined location data, as
taught by Fitch'092, since Fitch'092 states the advantages/benefits at col. 2, lines 41
that it would reduce location uncertainty by allowing multiple inputs from one ore
more wireless source and their corresponding LFE and aggregate the location data.
The motivation being that by combing/aggregating multiple location data regarding
the mobile station user into a single standard format, it can accurately track the
mobile user location thereby reducing location uncertainty.

15.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Fitch'840 in view of Fitch'092, as disclosed above in claim 22, and further in view of

Morse (U.S. 6,609,004).

Regarding claim 23, Fitch'092 discloses acquiring location data regarding

the user and; creating collections of said location data regarding a user as described

above in claims 1, 12 and 24. Fitch'092 further discloses acquiring location data

regarding more than one user (see col. 11, lines 60 to col. 12, lines 12; note that

during the pulling process, the LFS/LM query the location data regarding all wireless

stations user).

Neither Fitch'840 nor Fitch'092 explicitly disclose collections of said location

data regarding more than one user, organized by user (see Morse'004 FIG. 4,

Server User Memory 116 is created by the collection of the location data regarding

more than one user, and the memory/collection is organized by user (i.e. organized

as user 1 to user N corresponding to their respective locations); see col. 7, lines 55

to col. 8, lines 5).

However, the above-mentioned claimed limitations are taught by Morse'004.

In view of this, having the combined system of Fitch'840 and Fitch'092, and then

given the teaching of Morse'004, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify the combined system of

Fitch'840 and Fitch'092, for the purpose of providing a memory that collected and

stored the location data regarding more than one user, and the memory is organized

by user, as taught by Morse'004, since Morse'004 states the advantages/benefits at

col. 1, lines 25-30, col. 2, lines 15-20 that it would provide to easily locate a device

user in case of an emergency situation, and easily select relevant content

information from the large amount of data. The motivation being that by

collecting/storing the location data regarding more than one user and organized by

user, it will increase the possibility of easily retrieving and identifying the user from

large amount of stored data, and locating the user in case of an emergency.

Response to Arguments

16.   Applicant's arguments with respect to claim 1-10 and 12-34 have been

considered but are moot in view of the new ground(s) of rejection.

Regarding claims 1-10 and 12-34 the applicant argued that, "...Fitch does

not teach or suggest multiple location corresponding to multiple devices wherein

each device corresponds to a device. Thus, Fitch cannot teach or suggest the

calculation of the user's location based upon location information associated with

multiple device..." in page 8, paragraph 2.

In response to applicant's argument, the examiner respectfully

disagrees that Fitch does not teach or suggest above argued limitations.

Fitch discloses "multiple locations" or "each location source of the plurality of

location sources" (see FIG. 1, see FIG. 1, Location Fining Equipment Systems, LFE,

104,106,108 and 110; of see FIG. 2, $LFE_{1 \text{ to } n}$) corresponding to "multiple devices" or

"a particular device of a plurality of user devices" (see col. 5, lines 1-3; see col. 6,

lines 6-10; abstract; wireless stations; each $LFE_{1 \text{ to } n}$ is

associated/related/corresponded with a particular wireless station 102 of wireless

stations); and calculation a location of said user from the collection of said location

data (see FIG. 3a-e; see col. 6, lines 35 to col. 7, lines 29; determining/calculation

the location of wireless station/user from the collected data).

The applicant argued that, "... one device indicates a first location and a

second device indicates a second location... Fitch does not teach or

suggest... resolving a user's location from **conflicting location data** corresponding

to multiple devices... " in page 9, 1st paragraph.

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., **one device indicates a first location and a second device indicates a**

second location... conflicting location data) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In view of the above, **the examiner respectfully disagrees** with applicant's

argument and believes that the combination of references as set forth in the 102 and

103 rejections are proper.

Conclusion

17.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

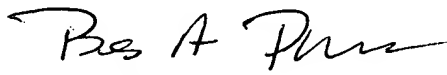than SIX MONTHS from the date of this final action.

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ian N. Moore whose telephone number is 571-272-

3085. The examiner can normally be reached on M-F: 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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INM

5/31/05

BOB PHUNKULH
PRIMARY EXAMINER